

Not for Publication

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EBIN NEW YORK, INC.,

Plaintiff,

v.

KISS NAIL PRODUCTS, INC. and YONG
JIN CHANG,

Defendants.

Civil Action No. 23-2369 (ES) (JRA)

ORDER

SALAS, DISTRICT JUDGE

Plaintiff EBIN New York, Inc. (hereinafter, “Plaintiff” or “EBIN”) filed suit against Defendants KISS Nail Products, Inc. (“KISS”) and Yong Jin Chang (“Chang”) (together, “Defendants”) bringing claims for (i) trade dress infringement under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (ii) trade dress infringement under New Jersey common law and N.J.S.A. § 56:3-13.16(a); and (iii) unfair competition under New Jersey common law. (D.E. No. 1 (“Complaint” or “Compl.”) ¶¶ 51–166). Before the Court is Defendants’ motion to dismiss the Complaint. (D.E. No. 16 (“Motion”)). Having considered the parties’ submissions, the Court decides this matter without oral argument. *See* Fed. R. Civ. P. 78(b); L. Civ. R. 78.1(b). For the reasons set forth in the Opinion filed herewith,

IT IS on this 28th day of March 2024, hereby

ORDERED that the motion (D.E. No. 16) is GRANTED; and it is further

ORDERED that the Complaint is dismissed *without prejudice* to Plaintiff filing an amended complaint curing the deficiencies outlined in the Court’s accompanying Opinion; failure

to so file within 30 days of entry of this Order shall result in the Complaint being dismissed with prejudice.

s/ Esther Salas
Esther Salas, U.S.D.J.